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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,574	11/13/2000	Kuk Ho Bae	P-142	4534

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EXAMINER

BROCKETTI, JULIE K

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/709,574

Applicant(s)

BAE ET AL.

Examiner

Julie K. Brockett

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7-5-05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 03152005.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 14, 16, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by McMullan, Jr. et al., U.S. Patent No. 5,654,746.

McMullan discloses a game service system including a game service-transmitting device. The transmitting device comprises a multiplexer configured to convert image information and audio information of a broadcast signal, a game program, and game-related information into a transport stream. A transmitting unit is configured to channel-code, modulate, amplify and transmit the transport stream (See McMullan col. 3 lines 47-58; col. 4 lines 32-35; col. 5 lines 33-40; Fig. 1 & 3). A game receiving device comprises a tuning unit configured to receive the image and audio information of the broadcast signal, a game program ordered by a user, and game-related information, and to select either the image and audio information corresponding to a broadcast channel desired by the user, or the game program ordered by the user. A

common game interface module is configured to demodulate a selected game program and game-related information, to error correct the demodulated information, to download the game program and store the game program in a game memory portion of the common game interface unit for access by a user when desired, and to process the game-related information (See McMullan col. 3 lines 47-58; col. 4 lines 32-35; col. 5 lines 33-40; col. 6 lines 43-47; col. 7 lines 33-36; col. 14 lines 25-46 Fig. 1 & 3) [claims 1, 3]. A game service transmitting device and system comprises a multiplexer configured to convert image and audio information of a broadcast signal, a game program, and game-related information by packet unit on a time basis into a transport stream. A transmitting unit is configured to channel-code the transport stream and to modulate, amplify, and transmit the transport stream to a receiving unit when requested by a user (See McMullan col. 3 lines 47-58; col. 4 lines 32-35; col. 5 lines 33-40; col. 6 lines 43-47; col. 7 lines 33-36; col. 14 lines 25-46 Fig. 1 & 3) [claims 2, 3]. The game server is configured to receive a game-ordering signal indicating a game desired by a user and to provide the selected game program and game-related information (See McMullan col. 14 lines 25-67) [claim 4]. The game service receiving device comprises a tuning unit configured to receive image and audio information of a broadcast signal, a game program ordered by a user, and game-related information and configured to select either the image and audio information corresponding to a channel desired by a user or a game program ordered by the user. A common game interface module is configured

to demodulate a selected game program and game-related information, to error correct, download and process the demodulated game program and game-related information and to store the game program for access by a user when desired (See McMullan col. 3 lines 47-58; col. 4 lines 32-35; col. 5 lines 33-40; col. 6 lines 43-47; col. 7 lines 33-36; col. 14 lines 25-46 Fig. 1 & 3) [claim 5]. A downloader is configured to download the game program ordered by the user using the game-related information (See McMullan col. 14 lines 25-67) [claim 6]. The common game interface module includes a game memory configured to store the downloaded game program and a CPU configured to execute the stored game program (See McMullan col. 11 lines 63-67; col. 12 lines 1-6) [claim 7]. The CPU is configured to execute the game program upon receipt of a controlling command input through a user interface (See McMullan col. 14 lines 25-67) [claim 8]. Tagawa further discloses a game service transmitting method comprising converting image and audio information of a broadcast signal, a game program, and game-related information by packet unit on a time basis into a transport stream. The transport stream is coded, amplified and modulated over a certain channel (See McMullan col. 4 lines 16-39; col. 5 lines 17-40) [claim 14]. In the game service receiving method, a game list is extracted comprising game-related information from a transport stream that includes time basis multiplexed packet units of image and audio information of a broadcast signal, a listing of game programs and game-related information. A game program is downloaded by a user according to the game-related

information and the program is stored in a game memory portion of a receiving device and the game is executed (See McMullan col. 14 lines 25-67) [claim 16]. Game-related information comprises a packet identifier (PID) configured to identify a packet of a game program ordered by a user and a game list (See McMullan col. 12 lines 30-35) [claim 18]. A broadcast and receiving device comprises a downloader configured to receive a transport stream having time basis multiplexed packet units of image and audio information of a broadcast signal of a channel, a game program, and game-related information, and to download a game program ordered by a user using the game-related information encoded with the image and audio information of the broadcast signal. Game memory is configured to store the downloaded game program for access by a user when desired. A CPU is configured to execute the stored game program in response to a user request (See McMullan col. 3 lines 49-58; col. 4 lines 30-35; col. 5 lines 17-46; col. 14 lines 25-67) [claim 20].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMullan et al., in view of Tarr et al., U.S. Patent No. 5,935,004. McMullan discloses a game service receiving device comprising a processor configured to receive an input from a user interface, and to output a either a first control signal to select a broadcast signal of a channel desired by a user or a second control signal to order a game desired by the user (See McMullan col. 1 lines 65-67; col. 2 lines 1-62; col. 3 lines 36-59; Fig. 1). A common game interface module is configured to receive the first control signal and to demodulate a broadcast signal of a channel selected by the user, a game program and game related information, wherein the common game interface module is also configured to error correct download, store, and process the demodulated game-related information so as to allow a user to view the selected channel or execute the selected game (See McMullan col. 3 lines 49-58; col. 4 lines 8-39; col. 5 lines 17-46; col. 6 lines 43-54; col. 9 lines 2-5 [claim 9]). A common interface host is configured to provide a resource for processing the game program and the game-related information (See McMullan Fig. 1) [claim 10]. The common interface module includes a downloader configured to download the game program ordered by the user using the game-related information (See McMullan col. 10 lines 51-54) [claim 11]. The common game interface module includes a game memory configured to store the downloaded game program and a CPU configured to execute the stored game program (See McMullan col. 11 lines 63-67; col. 12 lines 1-6) [claim 12]. The

CPU is configured to execute the game program upon receipt of a controlling command input through a user interface (See McMullan col. 14 lines 25-47) [claim 13]. McMullan lacks in disclosing a modem.

Tarr et al. teaches of using a modem configured to receive a control signal to order a game desired by the user and outputs a corresponding game ordering signal (See Tarr col. 3 lines 22-27; col. 4 lines 60-62) [claim 9]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a cable modem in the invention of McMullan so as to receive signals from different locations thereby being able to provide the users with more programming choices.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over McMullan et al., in view of Vance, U.S. Patent No. 6,267,672 B1.

McMullan lacks in disclosing adding a new game to the list. Vance teaches of adding a new game program and game-related information to a previously established game list (See Vance col. 2 lines 58-63) [claim 15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to install new games desired by a user. By installing new games desired by a user, the system is giving its customers the games in which they want to play. Therefore, if the games the customers want are implemented into the system, these individuals will remain customers. Furthermore, the level of excitement in the games and system remains high, which increases the number of customers.

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMullan, Jr. et al., in view of Okamoto, U.S. Patent No. 5,489,103. McMullan lacks in disclosing having a user request a game when the game is not included in the extracted game list. Okamoto teaches that an extracted game list is displayed to a user on a screen (See Okamoto Fig. 5). The user requests a game program from a transmitting party (See Okamoto Fig. 6). It is clear that the user may request a game program from the transmitting party when the game program selected is not included in the displayed game list. In the system of Okamoto, a user enters the number of the game they wish to play, it is clear that a player may enter an invalid number [claims 17 & 19]. For example, if there are only games 1-5, the player can still enter the number 9 and an error may be generated or no game is provided. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow users in the system of McMullan to select games that are not included on a displayed list by going to a channel that is not on the list. This is similar to a user selecting a television channel on their TV set that they do not get image information. Nothing stops a user from attempting to get a game that is not available. It is a matter of curiosity to select game or channels that are not available and see whether or not they are truly not available.

Response to Amendment

It has been noted that claims 2, 3, 14-16 and 20 have been amended.

Response to Arguments

Applicant's arguments, filed July 5, 2005, with respect to the rejection(s) of the claim(s) under Tagawa et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of McMullan, Jr. et al., U.S. Patent No. 5,654,746, which was cited on the IDS filed March 15, 2005.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on March 15, 2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

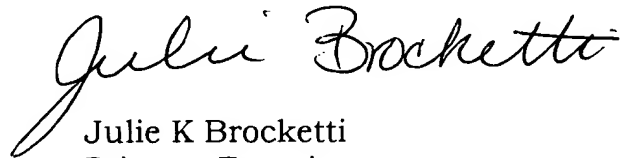
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K. Brockett whose telephone number is 571-272-4432. The examiner can normally be reached on M-Th 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Julie K Brockett
Primary Examiner
Art Unit 3713